

**\* EMERGENCY \***

Name Andre' M. FERGUSON  
 Address COUNTY JAIL #5 'P.O. BOX 67'  
SAN BRUNO' CALIFORNIA - 94066

CDC or ID Number #2344489

**MMC**

SUPERIOR COURT of CALIFORNIA  
COUNTY of SAN FRANCISCO  
 (Court)

ORIGINAL  
 FILED  
 FEB 14 2008  
 RICHARD W. PARKING  
 CLERK U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 MMC  
 §30

PETITION FOR WRIT OF HABEAS CORPUS

**MMC**

CV No. **08** **0953 (PR)**  
 (To be supplied by the Clerk of the Court)

Andre' M. FERGUSON

Petitioner

vs.

DISTRICT ATTORNEY

Respondent

**INSTRUCTIONS - READ CAREFULLY**

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under Rule 60 of the California Rules of Court [as amended effective January 1, 2005]. Subsequent amendments to Rule 60 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

Page one of six

## This petition concerns:

☐ A conviction☐ Parole☐ A sentence☐ Credits☐ Jail or prison conditions☐ Prison discipline☒ Other (specify): DUE PROCESS/ UNNECESSARY DELAY OF ARRAIGNMENT

1. Your name: Andre' M. FERGUSON
2. Where are you incarcerated? COUNTY JAIL #5 'P.O. BOX 67' SAN BRUNO' CA. 94066
3. Why are you in custody? ☐ Criminal Conviction ☐ Civil Commitment

Answer subdivisions a. through i. to the best of your ability.

- a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

NANA

- b. Penal or other code sections: \_\_\_\_\_

- c. Name and location of sentencing or committing court: Hall of Justice ' 850 BRYANT STREET'  
SAN FRANCISCO' CALIFORNIA ' 94103

- d. Case number: \_\_\_\_\_

- e. Date convicted or committed: NA

- f. Date sentenced: NA

- g. Length of sentence: NA

- h. When do you expect to be released? MAY 2008 if COURT GRANTS RELIEF SOUGHT

- i. Were you represented by counsel in the trial court? ☒ Yes. ☐ No. If yes, state the attorney's name and address:  
ERIC QUANDT' PUBLIC DEFENDER ' 555 (7TH) SEVENTH STREET'  
SAN FRANCISCO' CALIFORNIA - 94103

4. What was the LAST plea you entered? (check one)

☒ Not guilty ☐ Guilty ☐ Nolo Contendere ☐ Other: \_\_\_\_\_

5. If you pleaded not guilty, what kind of trial did you have?

☐ Jury ☐ Judge without a jury ☐ Submitted on transcript ☒ Awaiting trial

## 6. GROUNDS FOR RELIEF

**Ground 1:** State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order).

VIOLATION OF CONSTITUTIONAL RIGHT OF due PROCESS/UNNECESSARY  
delay OF ARRAIGNMENT. I petition THE COURT FOR A  
dismissal BECAUSE OF THIS VIOLATIONS BY THE  
PROSECUTION.

## a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

I WAS ARRESTED ON NOV. 27<sup>TH</sup>, 2007. Held in custody.  
THEN TAKEN TO AN ARRAIGNMENT HEARING ON Dec.  
6<sup>TH</sup>, 2007. WHICH IS "9" DAYS AFTER MY ARREST.  
A direct violation of A CONSTITUTIONAL GUARANTEE  
TO AND OF due PROCESS. Afforded by THE 5<sup>TH</sup>  
AND 14<sup>TH</sup> AMENDMENTS TO THE UNITED STATES  
Constitution. THIS violation of THE statute  
prescribed FOR ARRAIGNMENT HAS IMPAIRED  
AND PREJUDICED MY ABILITY TO PREPARE A defense.  
THIS TOOK PLACE IN DEPARTMENT #9. THE  
PRESIDING JUDGE WAS CURTIS A. KARNOW

## b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

People -v- THOMPSON (1980) People -v- PETTINGILL (1978)  
People -v- WILSON (1963) People -v- PICKENS (1981)  
COUNTY OF RIVERSIDE -v- McLAUGHLIN (1991)  
People -v- VALENZUELA (1978)

## 7. Ground 2 or Ground \_\_\_\_\_ (if applicable):

AN UNNECESSARY AND UNREASONABLE DELAY BETWEEN ARREST AND ARRAIGNMENT CONVERTS A LAWFUL ARREST INTO AN UNLAWFUL DETENTION. UNDER CALIFORNIA LAW DELAY OF PROSECUTION IS UNLAWFUL WHETHER IT IS NEGLIGENT OR PURPOSEFUL

## a. Supporting facts:

I WAS ARRESTED ON NOV. 27<sup>TH</sup>, 2007 AND TAKEN TO AN ARRAIGNMENT HEARING "9" DAYS LATER ON DEC. 6<sup>TH</sup>, 2007, WHICH VIOLATES THE LAWS OF THIS STATE WHICH STATES: "IF AN INDIVIDUAL IS ARRESTED AND HELD IN CUSTODY ARRAIGNMENT MUST TAKE PLACE WITHIN 48 HOURS < not including weekends and court holidays >" THIS IS ALSO A VIOLATION OF A CONSTITUTIONAL RIGHT OF DUE PROCESS GUARANTEED BY THE 5<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENTS TO THE UNITED STATES CONSTITUTION. MY RIGHTS TO A FAIR ADJUDICATION HAS BEEN GROSSLY AND THOROUGHLY VIOLATED BY THE PROSECUTION IN THIS CASE. HOW CAN I POSSIBLY HAVE A FAIR ADJUDICATION BY THE PROSECUTION WHEN THE PROSECUTION HAS VIOLATED MORE LAWS THAN I WHEN THEY VIOLATED THE STATUTES OF ARRAIGNMENT HEARING. I CONSTANTLY SEEK RELIEF BY THE COURTS FOR A DISMISSAL. I AM SCHEDULED TO START TRIAL ON 2-15-2008 IN DEPARTMENT # 22.

## b. Supporting cases, rules, or other authority:

PEN. C § 825, THE 5<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENTS TO THE UNITED STATES CONSTITUTION, CAL CONST ART I § 14 (ARRAIGNMENT FOR FELONY), CAL CONST ART I § 15, U.S. CONST AMEND VI

8. Did you appeal from the conviction, sentence, or commitment? ☐ Yes. ☒ No. If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"):

NA

b. Result

NA

c. Date of decision:

NA

d. Case number or citation of opinion, if known:

NA

e. Issues raised: (1)

NA

(2)

NA

(3)

NA

f. Were you represented by counsel on appeal? ☐ Yes. ☒ No. If yes, state the attorney's name and address, if known:

NA

9. Did you seek review in the California Supreme Court? ☐ Yes. ☒ No. If yes, give the following information:

a. Result

NA

b. Date of decision:

NA

c. Case number or citation of opinion, if known:

-NA-

d. Issues raised: (1)

-NA-

(2)

-NA-

(3)

-NA-

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

-NA-

-NA-

#### 11. Administrative Review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:

THIS PETITION CONCERNS VIOLATION OF A  
CONSTITUTIONAL RIGHT OF DUE PROCESS.  
VIOLATION OF A STATUTE AFFORDED FOR  
ARRAIGNMENT. THEREFORE DOES NOT  
WARRANT AN ADMINISTRATIVE  
REVIEW

b. Did you seek the highest level of administrative review available? ☐ Yes. ☒ No.

Attach documents that show you have exhausted your administrative remedies.

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or **issue** in any court? ☐ Yes. If yes, continue with number 13. ☒ No. If no, skip to number 15.

13. a. (1) Name of court: -NA-  
 (2) Nature of proceeding (for example, "habeas corpus petition"): -NA-  
 (3) Issues raised: (a) -NA-  
 (b) -NA-  
 (4) Result (Attach order or explain why unavailable): -NA-  
 (5) Date of decision: -NA-
- b. (1) Name of court: -NA-  
 (2) Nature of proceeding: -NA-  
 (3) Issues raised: (a) NA  
 (b) NA  
 (4) Result (Attach order or explain why unavailable): NA  
 (5) Date of decision: NA

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

NA  
NA

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

VIOLATION OF DUE PROCESS RIGHTS BY A UNNECESSARY  
DELAY OF ARRAIGNMENT

16. Are you presently represented by counsel? ☒ Yes. ☐ No. If yes, state the attorney's name and address, if known:

MR. ERIC QUANTZ, PUBLIC DEFENDER, 555 (7th) SEVENTH  
STREET, SAN FRANCISCO, CALIFORNIA, 94103

17. Do you have any petition, appeal, or other matter pending in any court? ☐ Yes. ☒ No. If yes, explain:

NA

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

THIS COURT HAS THE AUTHORITY TO GRANT PETITIONER  
RELIEF SOUGHT BY GRANTING A DISMISSAL

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date:

2-10-2008

Mr. Andre Ferguson  
 (SIGNATURE OF PETITIONER)

①

SUPERIOR COURT of THE state of CALIFORNIA  
COUNTY of SAN FRANCISCO

People of THE state of CALIFORNIA

VS.

NOTICE OF MOTION TO DISMISS  
BECAUSE OF DENIAL OF RIGHT  
TO DUE PROCESS

Andre' FERGUSON

TO THE ABOVE ENTITLED COURT' AND TO THE DISTRICT  
ATTORNEY OF SAN FRANCISCO COUNTY STATE OF  
CALIFORNIA

PLEASE TAKE NOTICE THAT ON JAN. 15<sup>TH</sup>, 2008, IN DEPART-  
MENT #22 AT 9:AM, OR AS SOON THEREAFTER AS THE  
MATTER MAY BE HEARD, THE DEFENDANT, ANDRE FERGUSON  
WILL MOVE THAT THE COURT DISMISS ACCUSATORY PLEADING  
FILED HEREIN ON THE GROUNDS THAT THE PROSECUTION OF  
THE DEFENDANT HAS BEEN UNREASONABLY DELAYED  
VIOLATING THE DEFENDANT'S RIGHT TO DUE PROCESS  
GUARANTEED BY THE FIFTH AND FOURTEENTH AMEND-  
MENTS TO THE UNITED STATES CONSTITUTION AND ARTICLE  
1 SECTION 15 OF THE CALIFORNIA CONSTITUTION. THE DELAY  
WAS A UNNECESSARY DELAY OF ARRAIGNMENT I WAS  
ARRESTED ON NOV. 27<sup>TH</sup>, 2007. HELD IN CUSTODY, THEN  
TAKEN TO AN ARRAIGNMENT HEARING ON DEC. 6<sup>TH</sup>, 2007.  
THIS MOTION WILL BE BASED ON THE ATTACHED MEMORANDUM  
OF POINTS AND AUTHORITIES, ALL PAPERS FILED AND RE-  
CORDS IN THIS ACTION, EVIDENCE TAKEN AT THE HEARING  
ON THIS MOTION, AND ARGUMENT AT THAT HEARING.

JAN. 15<sup>TH</sup>, 2008 RESPECTFULLY SUBMITTED

Mr. Andre' Ferguson

②

\* MEMORANDUM OF POINTS AND AUTHORITIES \*

~ SUMMARY OF ARGUMENT ~

AN UNREASONABLE AND UNNECESSARY DELAY BETWEEN ARREST AND ARRAIGNMENT CONVERTS A LAWFUL ARREST INTO AN UNLAWFUL DETENTION.

\* STATEMENT OF FACTS \*

THE DEFENDANT WAS ARRESTED ON NOV. 27<sup>TH</sup> 2007. HELD IN CUSTODY. THEN TAKEN TO AN ARRAIGNMENT HEARING ON DEC. 6<sup>TH</sup> 2007. WHICH IS "9" DAYS AFTER HIS ARREST.

\* ARGUMENT \*

THIS IS A DIRECT VIOLATION OF A CONSTITUTIONAL RIGHT TO DUE PROCESS GUARANTEED UNDER THE FIFTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND ARTICLE I SECTION 15 OF THE CALIFORNIA CONSTITUTION. THE RIGHT OF DUE PROCESS PROTECTS A DEFENDANT'S INTEREST IN FAIR ADJUDICATION BY PREVENTING UNJUSTIFIED DELAYS THAT WEAKEN THE DEFENSE THROUGH THE DIMMING OF MEMORIES, THE DEATH OR DISAPPEARANCE OF WITNESS, AND THE LOSS OR DESTRUCTION OF MATERIAL PHYSICAL EVIDENCE.

(PEOPLE-V-MARTINEZ (2000) 22 CA4<sup>TH</sup> 750, 767  
94 CR2d 381.

③ \* THE DELAY IN THIS CASE PREJUDICED THE DEFENDANTS ABILITY TO PREPARE THE DEFENSE \*

~ SINCE THE DEFENDANT WAS HELD IN CUSTODY FOR SEVERAL DAYS PAST THE PRESCRIBED TIME AFTER HIS ARREST AFFORDED FOR ARRAIGNMENT UNDER THE LAW OF THE CALIFORNIA PENAL CODE. THE DEFENDANT ASSUMED THAT THE PROSECUTION OF THIS CASE WAS DISMISSED. THEREFORE THE DEFENDANT INADVERTENTLY LOST CONTACT WITH A COUPLE OF WITNESSES IN HIS POSSIBLE DEFENSE' (PEOPLE -V- ARCHERD (1970) 3 C3d 615'91 CR 397; BARKER -V- WINGO (1972) 407 US 514'33 L Ed 2d 101'92 S Ct 2182: THEN THE DEFENDANT WAS PREJUDICED BY THE LAPSE IN TIME 'BECAUSE ANOTHER OF THE DEFENDANTS WITNESSES IN HIS DEFENSE WAS SHOT TO DEATH ON ELLIS AND JONES STREETS LAST MONTH. (PEOPLE -V- MARTINEZ (2000) 22 CA4TH 750'767'94 CR2d 381.) THE DEFENDANT IN THIS CASE HAS BEEN PREJUDICED BOTH BY THE LOST OF MATERIAL WITNESSES AND BY THE DEATH OF ANOTHER WITNESS. THEN BY OTHER FACTORS RECOGNIZED BY THE **UNITED** STATES SUPREME COURT IN US -V- MARION (1971) 404 US 307'92 S Ct 455'30 L Ed 2d 468 AS QUOTED IN SERNA -V- SUPERIOR COURT (1985) 40 C3d 239'251'219 CR 420: "INORDINATE DELAY BETWEEN ARREST' INDICTMENT AND TRIAL MAY IMPAIR A DEFENDANT'S ABILITY TO PRESENT AN EFFECTIVE DEFENSE. BUT THE MAJOR EVILS PROTECTED AGAINST BY THE SPEEDY TRIAL GUARANTEE EXIST APART FROM ACTUAL

④

OR POSSIBLE PREJUDICE TO AN ACCUSED'S DEFENSE • TO LEGALLY ARREST AND DETAIN THE GOVERNMENT MUST ASSERT PROBABLE CAUSE TO BELIEVE THE ARRESTEE HAS COMMITTED A CRIME • ARREST IS A PUBLIC ACT THAT MAY SERIOUSLY INTERFERE WITH THE DEFENDANT'S LIBERTY • WHETHER HE IS FREE ON BAIL OR NOT • AND THAT MAY DISRUPT HIS EMPLOYMENT • DRAIN HIS FINANCIAL RESOURCES • CURTAIL HIS ASSOCIATIONS • SUBJECT HIM TO PUBLIC OBLOQUY AND CREATE ANXIETY IN HIM • HIS FAMILY AND FRIENDS" . . .

UNDER CALIFORNIA LAW DELAY IN PROSECUTING A CASE IS UNLAWFUL WHETHER NEGLIGENT OR PURPOSEFUL

UNDER CALIFORNIA LAW 'EVIDENCE OF DEPRIVATION OF DUE PROCESS SUFFICIENT TO WARRANT DISMISSAL DOES NOT REQUIRE A SHOWING OF **PURPOSEFUL** DELAY BY THE PROSECUTION • PREJUDICIAL DELAY CAUSED BY NEGLIGENCE OF LAW ENFORCEMENT AGENCIES OR BY THE PROSECUTION IS SUFFICIENT TO DENY A DEFENDANT THE RIGHT TO DUE PROCESS • (SCHERLING - V - SUPERIOR COURT (1978) 22 C3d 493' 507' 149 CR 597; PENNEY - V - SUPERIOR COURT (1972) 28 CA3d 941' 953' 105 CR 162 •

EVEN IF THE DELAY<sup>15</sup> MERELY THE RESULT OF ADMINISTRATIVE MISFEASANCE OR SIMPLE NEGLIGENCE ON THE PART OF THE STATE OR ITS OFFICERS IT IS CLEAR THAT THERE MUST NONETHELESS **BE A DISMISSAL** •

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(PLEZBERT-V-SUPERIOR COURT (1971) 22 CA3d 169  
'99 CR 340; PENNEY-V-SUPERIOR COURT (1972)  
28 CA3d 941' 105 CR 162; RICE-V-SUPERIOR  
COURT (1975) 49 CA3d 200' 205' 122 CR 389;  
SYKES-V-SUPERIOR COURT (1973) 9 C3d 83'  
106 CR 786; JONES-V-SUPERIOR COURT  
'SUPRA BARKER-V-WINGO-SUPRA.)

### \* CONCLUSION \*

THE UNNECESSARY DELAY OF ARRAIGNMENT WAS  
A VIOLATION OF DEFENDANTS RIGHT TO DUE PRO-  
CESS UNDER THE FIFTH AND FOURTEENTH  
AMENDMENTS TO THE UNITED STATES  
CONSTITUTION AND ARTICLE I SECTION 15 OF THE  
CALIFORNIA CONSTITUTION. BECAUSE THE DELAY  
WAS LENGTHY, THE DEFENDANT WAS PREJUD-  
ICED BY THE DELAY, AND THERE APPEARS TO  
BE NO JUSTIFICATION FOR THIS DELAY. THE  
DEFENDANT THEREFORE RESPECTFULLY ASKS THIS  
COURT TO DISMISS THE ACCUSATORY PLEADING..

JAN. 15<sup>TH</sup>, 2008

RESPECTFULLY submitted

Mr. Andre' Ferguson

FERGUSON, ANDRE

) JAILNO 02344489

)

) DOB 041466 B/M

) CELL # 9MP

ADDR 915 BUENA VISTA WEST

) OPLIC:

JAILST COJ9

) SSN

) ----- KEY DATES -----

) ARR 112707/1400

) BK 112707/1726

) OFF1: MOYLAN / 249

) OFF2: /

N289914 02344489 BKD 11351HS/F; POSS/PURCHASE FOR SALE CON SUB;DEFSTATUS COJ9  
;ARR 112707/1400;INCN 071214777;ENTERED BY 847 ;MODIFIED BY  
847

N289915 02344489 BKD 11351HS/F; POSS/PURCHASE FOR SALE CON SUB

N289916 02344489 BKD 11351HS/F; POSS/PURCHASE FOR SALE CON SUB

N289917 02344489 BKD 11351HS/F; POSS/PURCHASE FOR SALE CON SUB

N289918 02344489 BKD 11375B1HS/F; POSS SALE/SELL CONTROL SUBST

N289919 02344489 BKD 11357(B)HS/M; POSS MARIJU 28.5 GR/LESS W/PR

N289921 02344491 BKD ENROUTEXX/F; CDC HD#T39291,\$NB,V3056PC;DEFSTATUS COJ9;ARR  
112707/1400;INCN 071214777;ENTERED BY 847

-----  
INFORMATION FOR ARRESTED PERSONS  
-----

IMPORTANT: THIS DOCUMENT IS YOUR NOTIFICATION OF CHARGES AND IDENTIFICATION  
WHICH IS GIVEN TO YOU ALONG WITH YOUR PROPERTY RECEIPT.  
KEEP BOTH FORMS WITH YOU AT ALL TIMES.

1. IF YOU ARE RELEASED, YOU ARE TO APPEAR IN COURT ON THE DATE AND TIME SPECIFIED. FAILURE TO APPEAR MAY RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST OR OTHER ADDITIONAL PENALTIES.
2. AFTER BOOKING, YOU HAVE THE RIGHT TO MAKE THREE COMPLETED PHONE CALLS IN THE LOCAL DIALING AREA. PHONE CALLS MADE OUTSIDE THE LOCAL AREA WILL BE AT ARRESTEES EXPENSE.
3. IF YOU ARE ILL OR IF YOU ARE AWARE OF ANOTHER PRISONER IN NEED OF MEDICAL ATTENTION, IMMEDIATELY NOTIFY JAIL PERSONNEL.
4. YOU MAY BE VISITED BY AN ATTORNEY OF YOUR CHOICE.
5. VISITING HOURS ARE POSTED IN THE LOBBY OF THE JAIL.
6. IF YOUR VEHICLE HAS BEEN IMPOUNDED, YOU ARE RESPONSIBLE FOR ANY TOWING AND STORAGE CHARGES. VEHICLES LEFT IN STORAGE OVER 90 DAYS WITHOUT PAYMENT OF CHARGES CAN BE SOLD TO PAY FOR CHARGES. TOW INFORMATION PHONE: 553-1235.
7. FOR BAIL AND/OR COURT INFORMATION PHONE 553-9394. FOR O.R. PHONE 552-2202.

E-Filing, ProSe

**U.S. District Court  
California Northern District (San Francisco)  
CIVIL DOCKET FOR CASE #: 3:08-cv-00641-MMC  
Internal Use Only**

Ferguson v. Karnow  
Assigned to: Hon. Maxine M. Chesney  
Cause: 42:1983 Prisoner Civil Rights






Date Filed: 01/28/2008  
Jury Demand: None  
Nature of Suit: 550 Prisoner: Civil  
Rights  
Jurisdiction: Federal Question

**Plaintiff****Andre Marcellous Ferguson**

represented by **Andre Marcellous Ferguson**  
2344489  
P.O. Box 67  
San Bruno, CA 94066  
PRO SE

V.

**Defendant****Judge Curtis A. Karnow**

Date Filed	#	Docket Text
01/28/2008	 <u>1</u>	COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. 1983; (NO PROCESS); (IFP PENDING) against Curtis A. Karnow. Filed by Andre Marcellous Ferguson. (aaa, Court Staff) (Filed on 1/28/2008) (Entered: 01/31/2008)
01/28/2008	 <u>2</u>	MOTION for Leave to Proceed in forma pauperis filed by Andre Marcellous Ferguson. (aaa, Court Staff) (Filed on 1/28/2008) (Entered: 01/31/2008)
01/28/2008	 <u>3</u>	Letter from Clerk requesting a signed and completed IFP application or filing fee of \$350.00. (aaa, Court Staff) (Filed on 1/28/2008) (Entered: 01/31/2008)
01/28/2008		CASE DESIGNATED for Electronic Filing. (aaa, Court Staff) (Filed on 1/28/2008) (Entered: 01/31/2008)
02/12/2008	 <u>4</u>	Letter Post Dated 2/11/08: from Andre Ferguson re Request to dismiss case 08-641 MMC and open a new complain with a new civil case number. (aaa, Court Staff) (Filed on 2/12/2008) (Entered: 02/13/2008)

#2344489  
MR. ANDRE 'M. FERGUSON  
COUNTY JAIL #5 · P.O. BOX 67  
SAN BRUNO, CALIFORNIA - 94066

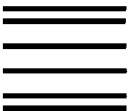
3

**BUSINESS REPLY MAIL**

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RICHARD W. ALLEN

CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

